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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/294,475	04/20/1999	KEVIN GATESMAN	WMA-99-001	6166

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EXAMINER
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NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/294,475

Applicant(s)

KEVIN GATESMAN

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-7, 9, 11-13, 15, 17-18 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Tonnby (WO 9747127).

Regarding claims 1, 9, 11, 17 and 21, Tonnby discloses (Fig 1-9 and pages 1-20) an apparatus for enabling more than one communicative process to be carried on at the same time via a single telephone line, comprising: a network interface means (Fig 7, Ref 77) for connecting to a telecommunications network (Fig 1, Ref 3); a telephone interface means (Fig 7, Ref 57) for connecting to at least one telephone; a computer interface means (Fig 7, Ref 2) for connecting to at least one computer, an internet protocol (IP) routing means (Fig 7, Ref 80) communicatively connected to said respective interface means for managing the addressing of data between said network and either or both of said telephone and said computer; and a voice circuit (Fig 7, Ref 57) for receiving and converting data routed from said IP routing means to said telephone, and for converting and feeding voice signals input from said telephone to said IP routing means; wherein said IP routing means selectively routes voice and data signals from said telephone and said computer, respectively, to and from said telecommunications network via said telephone line (See Page 17, lines 3-19).

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Regarding claims 2, 7, 12-13 and 22-23, Tonnby discloses a voice over IP gateway means (Fig 7, Ref 57, 80 and Page 17, lines 3-19) for packetizing voice signals received from said telephone interface and depacketizing voice signals from said IP routing means, packetized signals being routed by said IP routing means for transmission to said telecommunications network and depacketized voice signals being routed to said telephone interface for establishing a telephone conversation between a caller using said telephone (Fig 1, Ref 1) and an other caller connected to said telecommunications network via an other telephone (Fig 1, Ref 6).

Regarding claim 6, 15 and 18, Tonny inherently discloses IP routing means (Fig 7, Ref 80 used for multiplexing the outgoing IP packets of telephone and PC into telephone line or demultiplexing the incoming IP packets from the telephone line to forward it to the PC and telephone) for apportioning the bandwidth of the telephone line for selectively routing the IP packet for computer and telephone.

3. Claims 1-3, 6-7, 9-15, 17-18 and 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Tonnby (WO 9745073).

Regarding claims 1-3, 6-7, 9-15, 17-18 and 20-23, Tonnby discloses (Fig 1-11 and pages 1-26) an apparatus which comprises a network interface means (Fig 9, Ref 55) for connecting to telecommunication network; a PC interface means for connecting to a PC (Fig 9, Ref 53); a telephone interface which connects to a telephone (Fig 9, Ref 50) providing a DTMF, Ring generator, A/D converter, D/A converter and dial tone, Voice circuit for converting the incoming/outgoing voice signal for transmitting to telecommunication network or telephone (See page 14, lines 19-29); IP routing means for routing the incoming and outgoing packets to its destination interface (Fig 9, Ref 57) and VoIP gateway for packetizing or depacketizing the

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incoming/outgoing voice signal for transmitting to telecommunication network or telephone (See page 14, lines 19-29); addresses converting and translating means (Fig 9, Ref 52, 56-56 and Page 10, lines 20 to page 13, lines 13) for mapping the telephone numbers with the IP addresses according the assigning telephone number and IP address wherein the voice and data packets is multiplexed into a data stream according to its bandwidth.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 8, 10, 14, 16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby (WO 9747127).

Regarding claims 3, 10, 14 and 20, Tonny fails to disclose the claimed invention. However, the examiner takes official notice that a method and apparatus for address conversion and translation means for translating the respective addresses of said telephone and computer to correspond with an address of said telephone line assigned to communicate with said telecommunications network is well known and expected in the art at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an addresses translation and conversion means into Tonnby's telecommunication network. The motivation would have been to interface between the PSTN

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and computer network, reduce the long distance cost and allow the subscriber to receive/make any telephone call when he surfs the internet.

Regarding claims 4-5, 16 and 19, Tonny fails to disclose the claimed invention.

However, the examiner takes official notice that a method and apparatus for setting a priorities to the voice and data packets wherein voice packet has a higher priority than the data packet is well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an priority means for setting a priority of voice and data packet into Tonnby's telecommunication network. The motivation would have been to reduce the latency for transmitting the voice packet.

Regarding claim 8, Tonny discloses a call forwarding management for forwarding a call to telephone (Page 10, lines 25-35) and fails to disclose a call waiting indicator light to notifying an incoming call. However, Tonnby discloses a visual indicator for message and an alert message for incoming call (Page 10, lines 9-22 and page 14, lines 25-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a call waiting visual indicator into Tonnby's telecommunication network. The motivation would have been to provide a universal indicator to a subscriber.

6. Claims 4-5, 8, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby (WO 9746073).

Regarding claims 4-5, 16 and 19, Tonny fails to disclose the claimed invention.

However, the examiner takes official notice that a method and apparatus for setting a priorities to the voice and data packets wherein voice packet has a higher priority than the data packet is well

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known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply an priority means for setting a priority of voice and data packet into Tonnby's telecommunication network. The motivation would have been to reduce the latency for transmitting the voice packet.

Regarding claim 8, Tonny does not disclose the claimed invention. However, the examiner takes official notice that a method and apparatus for setting a priorities to the voice and data packets wherein voice packet has a higher priority than the data packet is well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a call forwarding and visual indicator into Tonnby's telecommunication. The motivation would have been to provide a universal indicator to a subscriber.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bhatia (USP 6108330) discloses ISDN router having a telephone, PC and telecommunication network.

Surprenant (USP 6385194) discloses a system includes POTS, PC and telecommunication network for exchanging VoIP and Data packets wherein the voice packet has a higher priority than data packet.

Tonnby (USP 6320085) discloses telephone doubler arrangement.

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Tonnby (USP 6295293) discloses an access node over a dedicated medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is 703-308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.



Steven HD Nguyen  
Examiner  
Art Unit 2665  
May 16, 2002